

Administration

Employee
Responsibilities

Intellectual Freedom

PHILOSOPHY:

- .01 The Laboratory encourages and supports the freedom of its employees to pursue professional interests, to participate in open debate, and to disseminate the results of research, consistent with their job descriptions and assigned duties. Because the Laboratory's work often involves matters of national security, intellectual freedom of the employee may be tempered by contractual and programmatic requirements, including national security, intellectual property rights, and technology transfer restrictions and obligations.

EMPLOYEE PRIVILEGES:

- .02 Consistent with .01, employees may
- Participate in the identification of professional opportunities;
 - Assist in the proposal and execution of new initiatives;
 - Provide informed advice to the Laboratory on professional issues;
 - Pursue research opportunities and strategies and conduct research in an atmosphere of free inquiry;
 - Select collaborators from inside and outside the Laboratory who will contribute to the research effort;
 - Publish and disseminate the results of research;
 - Question Laboratory regulations and policies in a reasonable and rational manner without fear of penalty or retaliation;
 - Engage in outside activities such as consulting, employment by other organizations, business ventures, and public service, subject to the policies and procedures outlined in [AM 716](#), *Outside Employment: Employee Responsibilities*, and [AM 717](#), *Outside Employment: Supervisor Responsibilities*; and
 - Exercise their right to speak or write as private citizens, provided Laboratory time or resources are not used and that no classified or restricted information is disclosed.

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EMPLOYEE RESPONSIBILITIES:

- .03 Consistent with .01, employees should
- Be effective contributors to the Laboratory's mission and goals;
 - Recognize the responsibility common to engineers, scientists, and other professionals of maintaining public confidence and peer credibility by seeking and stating the truth as he or she understands it;
 - Exercise intellectual honesty, discipline, adherence to professional ethics, and good judgment in extending the boundaries of knowledge and in transmitting and applying new information;
 - Promote the conditions for free inquiry and to further public understanding of science and technology; and
 - Clearly separate their opinions as private citizens from the Laboratory's official positions.

COMPLAINT PROCEDURES:

Definitions

- .04 **Misconduct** — Misconduct is any attempt by any Laboratory employee to limit or interfere with another employee's privileges or responsibilities, as defined in [.02](#) and [.03](#), except as described in [.01](#).
- .05 **Respondent** — The respondent is the employee against whom the allegation of misconduct is made.
- .06 **Complainant** — The complainant is the employee who reports an apparent instance of misconduct.
- .07 **PDSTB** — Director for Science and Technology Base Programs (PDSTB) is the division-level manager appointed by the Director to oversee the investigation of allegations of misconduct as defined in this policy.
- .08 **Formal Review** — A formal review is an examination and evaluation of all relevant facts to determine whether misconduct has occurred.

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Reporting Misconduct

- .09 **Complainant** — A person with knowledge of or information about an apparent instance of misconduct should report the instance in writing to his or her division-level manager. Although this first report may take place in an informal meeting, the complainant should subsequently send a memo that explains the details of the instance.
- NOTE:** If the division-level manager, is, or appears to be, involved in the alleged misconduct, the complainant should approach the next higher-level manager who does not appear to be involved in the misconduct.
- .10 The privacy of those who, in good faith, report apparent misconduct is protected to the maximum extent consistent with the fair conduct of an investigation. However, cases that depend specifically on the observations or statements of the complainant cannot proceed without the open involvement of that individual.
- .11 No complainant who has made a good-faith allegation of misconduct is subject to reprisal or retaliation. A complainant who knowingly makes a false allegation of misconduct is subject to disciplinary or corrective action according to applicable Laboratory policies and procedures. (See [AM 112](#), *Discipline Policy and Procedure*.)
- .12 **Division-Level Manager** — Upon receipt of the complainant's memo, if the respondent is in the same program/division, the division-level manager informs the respondent of the allegations and, when necessary, of the identity of the complainant. If the respondent is in a different program/division, the complainant's manager informs the respondent's division-level manager, who then informs the respondent of the allegation and, when necessary, the identity of the complainant. Within 30 calendar days of receiving the memo, the complainant's division-level manager sends a copy to the PDSTB, with a recommendation for further examination of the situation or an explanation of why the matter should not be pursued.
- .13 **PDSTB Action** — The PDSTB has 30 calendar days to consider the information in the 2 memos and to initiate the appropriate action. (See [.16](#) and [.17](#).)

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NOTE: If the respondent is in the PDSTB's organization, the Laboratory Director assigns responsibility for the investigation to another uninvolved division-level manager.

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| Respondent | .14 | The respondent receives confidential treatment to the maximum extent possible; a prompt and thorough formal review; and notice of, and an opportunity to comment on, reported allegations and the finding of any formal review. |
| Representation | .15 | All parties to the investigation have the right to be represented, at their own expense, at any stage of the formal review. |
| No Misconduct | .16 | If, after reading the memos from the division-level manager and the complainant, the PDSTB finds the report groundless and without sufficient cause to warrant an investigation, he or she documents the findings in a memo for the file. The respondent, the complainant, and their division-level manager(s) are informed of the PDSTB's findings. |
| Formal Review | .17 | Committee — If the PDSTB determines that the allegation provides sufficient basis for conducting a formal review, he or she appoints, within 30 calendar days of the receipt of the division-level manager's memo, a committee of 3 persons with the appropriate expertise to carry out a thorough and authoritative evaluation of relevant evidence in a prompt and fair manner. Selection of committee members must avoid any real or apparent conflict of interest. |
| | .18 | PDSTB's Role — The PDSTB retains administrative oversight for the committee's operations. |
| | .19 | Length of Investigation — The committee should complete the following activities within 60 calendar days after the initiation of the investigation: conducting the investigation, preparing the report, making the report available for comment by the respondent, and submitting the report to the PDSTB. |

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Report

- .20 The committee submits a written report to the PDSTB that
- States what evidence was reviewed;
 - Summarizes relevant interviews;
 - Presents findings — whether the respondent engaged in misconduct as defined in AM 730; and
 - Recommends what action, if any, is appropriate under the circumstances.
- The respondent, the complainant, and their division-level manager(s) receive copies of the investigation report, and the respondent has an opportunity to provide written comments within 10 working days.
- .21 ***No Evidence of Misconduct*** — If the committee determines that the allegations are not supported by evidence, the PDSTB notifies all parties of the findings.
- .22 ***Misconduct*** — All parties are notified when the committee's report of the results of the formal review substantiates an allegation of misconduct. The respondent's division-level manager examines the committee's recommendation and decides whether discipline is appropriate. If the committee's report indicates that the division-level manager is involved in the misconduct, the report is submitted to the next higher-level manager who is not involved in the misconduct. The uninvolved manager then decides whether discipline is appropriate.

Discipline

- .23 If discipline is to be initiated, the manager contacts the Employee Relations Group (ER) in the Human Resources Division (HR) and follows the provisions of AM 112.
- NOTE:*** ER accepts the facts as presented in the committee report and does not conduct an independent review.

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No Discipline

- .24 If discipline is not initiated, the respondent's division-level manager documents the reasons for the decision in a memo to the PDSTB.